

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 160
OF THE CITY CODE PERTAINING TO THE HISTORIC PRESERVATION**

WHEREAS, Chapter 160 provides the regulations and process for procedures and guidelines for actions of the Historic Preservation commission; and,

WHEREAS, the commission feels that certain procedures and guidelines do not follow the best interests of commission goals; and,

WHEREAS, section 160.03 should be amended to follow National Park Service membership regulations; and,

WHEREAS, section 160.04 IIIA should be amended to allow commission members to make historical designation nominations; and

WHEREAS, section 160.04 IIIC should be amended to allow property owners to deny historical designation; and

WHEREAS, section 160.099 should be amended to allow the addition of a grace period for non-compliance;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Danville, Illinois as follows:

SECTION 1: Chapter 160 shall be amended as follows, with underlining being additions and strikethroughs being deletions:

§ 160.03 HISTORIC PRESERVATION COMMISSION.

(A) Creation and composition of Historic Preservation Commission; organization; quorum; meetings.

- A. (1) There is hereby created an Historic Preservation Commission which shall consist of seven members, all of whom shall be residents of the city or own real estate therein, except one member who may reside elsewhere. The members shall be appointed by the Mayor according to the following criteria: National Park Service regulations (36 CFR Part 61). Under National Park Service regulations, all board members must have a demonstrated competence, interest, or knowledge in historic preservation. A majority of the members must possess an academic degrees, comparable training or professional experience needed to perform competently in the position and be respected within the larger historic preservation community.

When a vacancy occurs, the Mayor shall appoint a successor according to the above criteria. If after the expiration of 60 days from the date a vacancy occurs, the Mayor is unable to fill the position according to the criteria, the Mayor shall appoint an additional at-large member who need not meet any of the foregoing criteria. The Mayor shall appoint, subject to Council approval, the members of the Historic Preservation Commission for terms of three years. Initial

members shall serve staggered terms of two members for three years, two members for two years, and the remaining three members for one year. Members may serve for more than one term. The Director of the Department, or his designee shall serve as an ex-officio member of the Commission and may be asked by the Commission to provide a level of support services as approved by the director and the Mayor.

(2) The Commission shall elect from its membership a chairperson and a vice-chairperson who shall serve for terms of one year and who shall be eligible for reelection. The chairperson shall preside over meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson.

(3) A quorum shall consist of a majority of the members. All recommendations and decisions shall be made by a majority vote of those members present at any meeting where a quorum exists. Persons on the Commission must attend two-thirds of all meetings scheduled or called within any twelve-month period, or they may be replaced by another person as appointed by the Mayor and approved by the City Council. The Commission shall have the authority to adopt by-laws and other normal operating procedures to guide their activities in a consistent and equitable manner.

(4) Meetings shall be held at regularly scheduled times or at the call of the chairperson. Proceedings of each meeting shall be recorded by the Department. Notification of regular monthly meetings shall be the responsibility of a member of the Department. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

(B) Powers and duties of the Commission.

(1) Landmark and historic preservation district identification.

(a) Standards and criteria for identification of landmarks and historic preservation districts shall be derived from the characteristics of historic significance and/or architectural significance in the building(s), structure(s), site, object(s) or improvement(s) and/or area.

(b) The Commission shall conduct, within the corporate limits of the city, a survey from which all buildings, structures, site, objects and improvements shall be classified and designated on the historical and architectural building list to be reviewed by the City Council and made part of a series of official documents. Such buildings, structures, sites objects and improvements shall be divided into three categories, the first two of which are not mutually exclusive:

1. Historically significant;
2. Architecturally significant;
3. Non-contributing, (a building(s), structure(s), site object, or improvement which does not present historic or architectural significance).

(c) The Department will be the depository for all maps and reports created by and for the Commission. This historic preservation material shall be available to the public.

(d) The Commission shall have the power to retain consultants to advise the Commission. Any contract, which involves an expenditure of city funds, shall be subject to the prior approval of the City Council.

(e) The Commission shall work for the continuing education of the city with respect to the historical and architectural heritage of the city and the landmarks and historic preservation districts designated under the provisions of this chapter. It shall keep current and publish a register of landmarks and historic preservation districts.

(2) Concerning landmarks:

(a) The Commission shall establish a design criteria which shall be applied to landmarks requesting certificates of appropriateness (see § [160.06\(A\)\(3\)\(b\)](#)). In cases of apparent conflict, said design criteria shall be subordinate to this chapter.

(b) The Commission shall keep a register of all buildings, structures, sites, objects and improvements within the corporate limits of the city which have been designated a landmark as set forth by procedures in this chapter. This register will include the information required for each landmark designation and appropriate maps.

(c) The Commission shall hold public hearings and make subsequent decisions or recommendations on applications for buildings, structures, sites, objects or improvements to be designated as landmarks within the corporate limits of the city. Designation is subject to the guidelines and procedures set forth by this chapter.

(d) The Commission shall hold public hearings and make decisions on all matters relating to Certificates of Appropriateness, concerning landmarks under its jurisdiction subject to the standards set forth in this chapter.

(e) The Commission shall act as a resource consultant for owners of designated landmarks. The Commission will keep a current file of architects, historians, preservationists and restoration specialists concerned with historic preservation.

(3) Concerning historic preservation districts:

(a) The Commission shall hold public hearings and make subsequent decisions on petitions for areas within the corporate limits of the city to be designated as historic preservation districts, subject to the guidelines and procedures set forth by this chapter.

(b) The Commission shall keep a register of all areas within the corporate limits of the city which have been designated as historic preservation districts as set forth by the guidelines and procedures in this chapter. This register will include all information and reports required for district designation.

(c) The Commission shall establish a design criteria for said district as a guide to evaluate applications for certificates of appropriateness. These criteria may vary depending on the character of each historic preservation district.

(d) The Commission, when considering Certificates of Appropriateness in historic preservation districts, shall:

1. Review all applications for Certificates of Appropriateness according to the design criteria for that district; then
2. Hold public hearings; and
3. Make decisions on all matters relating to the applications for Certificates of Appropriateness subject to the guidelines and procedures set forth in this chapter.

(e) The Commission shall assist citizens interested in historic preservation districts by:

1. Maintaining a file of available architects, historians, preservationists, restoration specialists, and preservation resources.
2. Assisting in the preparation of application for state or federal historic preservation grants.
3. Providing information concerning the designation procedure of local historic preservation districts.
4. Assisting in the preparation of information necessary for designation.
5. Assisting in the preparation of the application for Certificates of Appropriateness.

6. Recommending, as deemed appropriate to the city, relevant incentives that could be provided within districts, or to landmarks to encourage private investments in preservation activities.

Any assistance is subject to the guidelines and procedures set forth by this chapter.

(4) The Commission shall have and may exercise the power to accept such gifts, grants and money as may be appropriate for the purposes of this chapter. Such money may be expended for publishing maps and brochures, hiring consultants, and for performing such other functions as are appropriate for the purposes of this chapter.

(Ord. 7553, passed 12-3-91; Am. Ord. 8031, passed 7-6-99; Am. Ord. 8254, passed 6-4-02)

§ 160.04 LANDMARK DESIGNATION

(A) Designation subject to procedures and guidelines in this chapter. There are hereby created criteria and procedures for the designation of landmark(s) within the corporate limits of the city. Designation of a landmark is subject to the procedures and guidelines as set forth in this chapter.

(B) Criteria for landmark designation. The following criteria shall be utilized by the Commission in evaluating the nomination to designate a landmark:

- (1) Historic significance;
- (2) Architectural significance;
- (3) Economic and functional potential of the nominated landmark; and
- (4) Other qualities, characteristics and factors as in the judgment of the Commission are relevant to the nomination.

(C) Procedures for designation of landmarks.

(1) Nomination for landmark designation. Any person or persons including members of the Commission may nominate for landmark designation any building(s), structure(s), site, object(s) or improvement(s) within the corporate limits of the city, which has historic or architectural significance and which is at least 50 years old. Nominations for landmark designation shall be made on application forms supplied by the Commission. In addition to other information, the application shall identify the name and last known address of each owner of the real estate on which the building(s), structure(s), site, object(s) or improvement(s) sought to be designated is located. Applications for nomination shall also list any buildings, structures, sites, objects or improvements which share the real property on which the subject of the nomination is found, which are to be exempted from landmark designation; (i.e. a modern garage behind an historic home). In the absence of such listed exemptions, all buildings, structures, sites, objects and improvements will be subject to the landmark standards and provisions found in this chapter. Any member of the Historic Preservation Commission who has a substantial personal or private interest in any nomination must disclose that interest to the board and recuse themselves from any votes associated with that nomination. Applications for nomination shall be filed with the Department, which shall determine whether the information is complete.

(2) Notice to owner(s) and public. Within ten days after a proper application has been filed, the Department shall mail, by certified mail postage prepaid, to each owner identified in the application, a written notice of the following:

- (a) The date, time and place of the public hearing on the nomination;
- (b) The date, time and place of the informal conference; and
- (c) A copy of the application for nomination. In addition, the Commission shall cause to be published in a newspaper of general circulation within the city a legal notice of the date, time and place of the public hearing.

(3) Informal conference. If the owner accepts or wishes to discuss the designation the Commission shall schedule an informal conference with the owner(s) of the building(s), structure(s), site, object(s) or improvement(s) sought to be designated a landmark. The informal conference shall be scheduled at the owner's convenience but in no case more than 14 days after the date the notice to owner(s) has been mailed. At the conference not more than two members of the Commission shall be present. The Commissioners shall explain to the owner(s) the procedure involved in landmark designation, including without limitation, the right of the owner(s) to consent to or deny such designation, and such other aspects and ramifications of landmark designation as any of the persons present may desire to discuss. The Commissioner(s) shall provide to the owner(s) present copies of the consent and objection forms supplied by the Commission. The informal conference shall not be an open meeting. If any owner to whom notice has been mailed shall fail to appear at the informal conference, the Historic Preservation Commission will consider this a denial of the nomination.

(4). Denial of nomination. Any owner of a building(s), structure(s), site, object(s) or improvement(s) nominated to be designated a landmark shall have the right to deny such designation with the Commission. Such denial shall be made through regular communication channels to the Department of Urban Services and shall be not more than ten days after being made aware of the nomination . If an owner denies the proposed designation, the Commission shall notify the applicant not more than ten days after notification of denial.

(5) Public hearing:

(a) If all owners have filed a written consent to such designation, the Commission shall hold a public hearing of the merits of the nomination. The hearing shall be held not less than 60 and not more than 90 days after the filing of the application. The nomination shall be approved only upon the affirmative vote of a majority of the members of the Commission present at such hearing. If the nomination is not approved the building(s), structure(s), site, object(s) or improvement(s) in question shall not be eligible for subsequent nomination for landmark designation for a period of three years after the date of the public hearing.

(6) City Council action. If the Commission has concluded that a nomination for landmark designation should be approved, as provided in division (C)(5)(b) above, the findings and conclusion of the Commission shall be taken up by the appropriate committee of the City Council for review and recommendation, at its first regular committee meeting held not less than five days after the determination of the Commission. The committee shall not conduct a new hearing, but may receive written and oral comments from any persons interested in the matter. The committee shall recommend either approval of the nomination or denial of the nomination to the City Council. A tie vote of the committee shall be deemed a recommendation for denial of the nomination. At its regular meeting next following the action of the appropriate committee, the City Council shall consider the findings of the Commission and the recommendation of the committee, and shall act upon the nomination. The Council shall not conduct a new hearing, but may receive written and oral comments from any persons interested in the matter. Upon motion duly made and seconded, the Council shall act on the nomination by a simple majority vote of the entire Council.

(D) Procedures for de-designation of a landmark. A decision to designate a landmark may be totally or partially reversed by following the procedures described in division (C) above with the following exceptions:

(1) The term "designate" shall mean "de-designate."

(2) All applications seeking to de-designate a landmark shall be accompanied by a petition containing the names of 25 individuals that own property in the city.

(3) In all cases it shall require an 80% vote of the Commission to recommend such a de-designation.

(4) The Council shall make all final decisions relative to this process by simple majority vote of the entire Council.

(5) When considering the criteria described in division (B)(1) above, the Commission and the Council shall evaluate the extent to which the primary criteria, cited to support the original designation, have changed over time.

(E) Consideration period. The "consideration period" on proposed landmark(s) shall commence at the time of the submission of the application to the department and continue until the final Commission or Council (whichever is applicable) decision. During this period, the building inspector for the city shall impose a moratorium on any construction, alteration, demolition or removal of improvements on the property proposed for landmark designation.

(Ord. 7553, passed 12-3-91; Am. Ord. 8031, passed 7-6-99; Am. Ord. 8254, passed 6-4-02)

§ 160.99 PENALTY

Any property owner or contractor who fails to perform any act required herein or performs any act prohibited herein shall be fined, upon conviction, not less than \$250 or not more than \$500 for each offense. Property owners will have a 30-day correction period to show proof of effort toward correcting the violation. Every day after this correction period such violation exists shall constitute a separate violation and a separate offense.

SECTION 2: This amendatory Ordinance shall be effective ten (10) days after its passage, approval and publication in pamphlet form.

PASSED this ____ day of _____, 20____, by _____ ayes, _____ nays and _____ absent.

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
City Clerk